

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER



## **CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PRESI ORTEGA, JR.**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

### **PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS APRIL 5, 2005 9:00 A.M.**

#### **ROLL CALL**

Invocation – Police Chaplain Clift Barnes  
Pledge of Allegiance

#### **REGULAR AGENDA**

1. I discovered, after the fact, that El Paso residents are charged for emergency ambulance services. As a tax payer, I do not believe that charges for emergency services are justifiable and would like to have the issue brought before council for discussion, review and change. [Berton Belfer]

#### **MAYOR'S PROCLAMATIONS**

1. ***SEXUAL ASSAULT AWARENESS MONTH***
2. ***AUTISM MONTH***
3. ***NATIONAL CRIME VICTIMS RIGHTS WEEK***

#### **NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

**CONSENT AGENDA**

**2. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of March 29, 2005.

**3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**4. RESOLUTIONS:**

**4A.** That the City Manager be authorized to sign a First Amendment to the Airline Operating Agreement and Terminal Building Lease dated August 1, 2001 by and between the City of El Paso ("City") and Delta Airlines, Inc. ("Airline") to add Gate B-2 to the Airline's Preferential Use Space. **(District 3)**  
[Airport, Patrick T. Abeln, (915) 780-4724]

**4B.** That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, the El Paso County Juvenile Board and the 65<sup>th</sup> District Court for the purpose of handling, detaining and apprehending of juveniles taken into custody by the Police Department. No funding required.  
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

**4C.** The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$25,731, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the El Paso Police Department's SHOCAP program. Cash Match from Confiscated Funds/Acct. 21150060-500231-16371  
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

**5. Request to fill position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:**

Clerk Typist II (1)

Fund Source: 11010011-502001-01101

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**6. Request for provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:**

Clerk Typist II (1)

Fund Source: 11010011-502001-01101

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**7. STAFFING TABLE CHANGES:**

**7A. Fire**

Delete	3.00	Fire Medic	FS 1
Add	3.00	Firefighter	FS 1

Fund Source: 22010100-01101-22000

[Fire Department, Assistant Fire Chief Steve Surface, (915) 771-1000]

**7B. Museum**

Add	1.00	Accountant I	PM 72
Delete	1.00	Accounting Technician	GS 20

Fund Source: 54010249-01101-54000  
[El Paso Museum of Art, Becky Duval-Reese, (915) 532-1707]

**8. BOARD APPOINTMENTS:**

**8A.** Tedd F. Richardson to the Building and Standards Commission by Representative John F. Cook, District 4. [Representative John F. Cook, (915) 541-4140]

**8B.** Audrey R. (Bear) Walters to the Building and Standards Commission by Representative John F. Cook, District 4. [Representative John F. Cook, (915) 541-4140]

**8C.** Valerie Ann Scott to the Civil Service Commission by Representative Vivian Rojas, District 7. [Representative Vivian Rojas, (915) 541-4108]

**9. APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369]

**9A.** Cumming Property Tax Service in the amount of \$18,226.97 overpayment of 2004 taxes. (PID #C050-999-2030-0150)

**9B.** Cumming Property Tax Service in the amount of \$3,597.16 overpayment of 2004 taxes. (PID #C050-999-2040-6100)

**9C.** Cumming Property Tax Service in the amount of \$3,122.54 overpayment of 2004 taxes. (PID #C050-999-2040-8100)

**9D.** Sierra Title Co. in the amount of \$4,100.87 overpayment of 2004 taxes. (PID #C340-999-0240-3900)

**9E.** Jesusita M. Ochoa in the amount of \$2,720.79 overpayment of 2004 taxes. (PID #C340-999-0510-1500)

**9F.** Theodore Guzman Lopez & Norma Martinez Lopez in the amount of \$3,259.83 overpayment of 2004 taxes. (PID #C818-999-0750-0500)

**9G.** Wells Fargo in the amount of \$2,994.32 overpayment of 2004 taxes. (PID #E049-999-0180-3100)

**9H.** Dr. Cindy J. Harris in the amount of \$6,994.69 overpayment of 2004 taxes. (PID #F609-999-0160-1900)

**9I.** Washington Mutual Bank in the amount of \$3,590.42 overpayment of 2004 taxes. (PID #H791-004-0040-0050)

**9J.** Wells Fargo Real Estate Services in the amount of \$2,610.27 overpayment of 2004 taxes. (PID #I256-999-0250-0300)

**9K.** Wells Fargo Home Mortgage in the amount of \$3,758.48 overpayment of 2004 taxes. (PID #K408-999-0010-6100)

**9L.** First American Title in the amount of \$2,516.72 overpayment of 2004 taxes. (PID #L478-999-0040-6300)

**9M.** Squire Cruse Properties, LP in the amount of \$2,844.64 overpayment of 2003 taxes. (PID #M056-999-0240-4600)

**9N.** Squire Cruse Properties, LP in the amount of \$3,030.66 overpayment of 2004 taxes. (PID #M056-999-0240-4600)

**9O.** Litton Loan Servicing LP in the amount of \$6,181.14 overpayment of 2003 taxes. (PID #R460-999-0030-0400)

- 9P.** Stewart Title of El Paso in the amount of \$7,013.02 overpayment of 2004 taxes.  
(PID #R460-999-0150-1400)
  - 9Q.** Aduana Bank Corp. in the amount of \$7,960.20 overpayment of 2004 taxes.  
(PID #S231-999-0240-9000)
  - 9R.** Wells Fargo Real Estate Tax Services in the amount of \$2,599.67 overpayment of 2004 taxes. (PID #V893-999-5460-8100)
  - 9S.** Dovenmuehle Mortgage in the amount of \$3,300.73 overpayment of 2004 taxes.  
(PID #V893-999-572A-0800)
  - 9T.** Ricardo & Linda Lopez in the amount of \$4,700.38 overpayment of 2004 taxes.  
(PID #V893-999-5840-3100)
  - 9U.** Ocwen Federal in the amount of \$3,000.01 overpayment of 2004 taxes.  
(PID V927-999-0170-5700)
  - 9V.** Ignacio A. & Janet R. Alba in the amount of \$2,732.51 overpayment of 2004 taxes.  
(PID #W564-999-0040-1900)
  - 9W.** Albertson's, Inc. in the amount of \$7,486.01 overpayment of 2004 taxes.  
(PID #X581-999-2090-2610)
  - 9X.** Juanita S. Falvey in the amount of \$3,592.61 overpayment of 2004 taxes.  
(PID #Y805-999-035E-1267)
  - 9Y.** Ben L. Ivey, LTD. In the amount of \$5,593.35 overpayment of 2004 taxes.  
(PID #Y805-999-056B-0301)
  - 9Z.** Sierra Title Co. in the amount of \$3,276.03 overpayment of 2004 taxes.  
(PID #V897-999-0660-3900)
  - 9AA.** GMAC Mortgage in the amount of \$3,476.15 overpayment of 2004 taxes.  
(PID #U819-000-0160-06C0)
  - 9BB.** Country Wide Tax Services in the amount of \$3,215.44 overpayment of 2004 taxes.  
(PID #C518-999-0860-3100)
  - 9CC.** Option One Mortgage Company in the amount of \$10,424.61 overpayment of 2003 taxes.  
(PID #R460-999-0270-1000)
  - 9DD.** Chase Home Finance LLC in the amount of \$3,616.00 overpayment of 2003 taxes.  
(PID #N425-999-0080-1300)
  - 9EE.** USAA Federal Savings Bank in the amount of \$6,760.29 overpayment of 2004 taxes.  
(PID #C801-999-0140-0500)
  - 9FF.** Land America c/o Washington Mutual in the amount of \$7,281.49 overpayment of 2003 taxes. (PID #C834-999-0050-1100)
  - 9GG.** Joseph Park in the amount of \$2,978.18 overpayment of 2004 taxes.  
(PID #M895-999-0050-1400)
  - 9HH.** Sierra Title Company in the amount of \$3,157.41 overpayment of 2004 taxes.  
(PID #P358-999-0020-6700)
  - 9II.** EMC Mortgage c/o Land America in the amount of \$6,080.03 overpayment of 2004 taxes.  
(PID #S812-999-0090-0100)
  - 9JJ.** First American Commercial Real Estate Services, Inc. in the amount of \$45,893.13 overpayment of 2004 taxes. (T645-999-0030-1700)
  - 9KK.** Sierra Title Company in the amount of \$6,038.83 overpayment of 2004 taxes.  
(PID #P586-999-0060-5100)
- 10.** Request budget transfer in the amount of \$20,000 to the Parks and Recreation Department to have four (4) Summer Camp Programs in District #2 (Nolan Richardson Recreation Center \$5,000; Sacramento Senior Citizen Center \$5,000; Nations Tobin Recreation Center \$5,000; and the Friendly Senior Citizen Center \$5,000).

Funds to be allocated from District #2 Discretionary Funds--Dept. ID# 01010002; Acct. #504420; Fund #01101; Class #01001. [Representative Robert A. Cushing, Jr., (915) 541-4996]

**11. BUDGET TRANSFER:** [Office of Management and Budget, David Almonte, (915) 541-4011]

**BT2005-875 BUILDING AND PLANNING SERVICES**

Building and Planning Services proposes to transfer \$84,693.86 from previously issued COs to the Traffic Light Synchronization project for final TxDOT payments.

**(All Districts)**

Decrease	\$84,693.86	from	31115108/P59999926061/504405	OpCntgncy
Increase	\$84,693.86	to	31115108/PPW003500526061/508027	Construction

**12. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:**

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 12A.** Grace Hernandez to block off Nederland between 3201 – 3205 on May 7, 2005 from 3:00 p.m. to 11:00 p.m. for a block party. Approximately 100 persons will participate. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Device". This request includes permission to use amplification (2 speakers and 1 amplifier). PERMIT NO. 05-025 [Grace Hernandez]  
**(District 5)**

NO OBJECTIONS FROM FIRE, SUN METRO, AND TRAFFIC ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 12B.** Hawkins Elementary School to hold a C.A.T.C.H. parade on April 7, 2005 from 9:00 a.m. to 10:00 a.m. Route: Start at Hawkins Elementary School – 5816 Stephenson to Frederick Rd. turn right on Frederick Rd. to Tamburo, turn right on Tamburo to Glenwood, turn right on Glenwood and finish at San Juan Senior Citizen Center. Approximately 500 persons will take part and 50 spectators are anticipated. PERMIT NO. 05-026 [Aida Salazar / Norma Arellano] **(District 3)**

NO OBJECTIONS FROM FIRE, SUN METRO, AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 6 OFFICERS AND 6 VEHICLES. ESTIMATED COST TO CITY \$194.00 ESTIMATED COST TO APPLICANT: \$106.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

## **REGULAR AGENDA**

**13. INTRODUCTION OF ORDINANCE PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

An Ordinance granting Special Permit No. ZON05-00001 to satisfy parking requirements for Parcel 1, described as Lots 23 - 26, Block 9, East El Paso Addition, El Paso, El Paso County, Texas, by allowing off-street parking on Parcel 2, described as the East 20 feet of Lot 13, all of Lot 14, and the South 88 feet of Lots 15 and 16, Block 10, East El Paso Addition, pursuant to Section 20.24.040 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Francisco Gonzales. ZON05-00001 **(District 8)**

[Planning, Research and Development, Christina Valles, (915) 541-4930]

**PUBLIC HEARING WILL BE HELD ON APRIL 26, 2005 FOR ITEM 13**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**14. INTRODUCTION AND PUBLIC HEARING:  
FINANCIAL AND ADMINISTRATIVE SERVICES**

**14A.** An Ordinance providing for the issuance and sale of \$10,000,000 City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2005C, for the purpose of improving and extending the City's water and sewer system and paying the costs related to the issuance of the bonds; and enacting provisions related thereto. [Bond Counsel, Paul Braden, (915) 544-9997]

**14B.** An Ordinance providing for the issuance and sale of "City of El Paso, Texas, Water and Sewer Revenue Refunding Bonds, Series 2005D"; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of an escrow agreement; establishing procedures for the sale and delivery of the bonds; and delegating matters relating to the sale and issuance of the bonds to an authorized City officer or employee. [Bond Counsel, Paul Braden, (915) 544-9997]

**15. MAYOR AND COUNCIL:**

**15A.** Discussion and action to direct the City Manager to institute a moratorium for 90 days on the request by the Animal Emergency Center's proposed crematorium incinerator at 1220 Airway until a complete review is conducted by the Health Legislative Review Committee due to high public concern.

[Representative Jose Alexandro Lozano, (915) 541-4515] POSTPONED FROM 03/22/05

**15B.** Discussion and action to direct the City Manager to establish a license ordinance to regulate crematorium incinerators in the City of El Paso consistent with all local, state and federal government and environmental codes.

[Representative Jose Alexandro Lozano, (915) 541-4515] POSTPONED FROM 03/22/05

**15C.** Discussion and action to direct the City Manager to direct staff to create a land use regulation for animal crematoriums including review of current applicable ordinances. [Representative Jose Alexandro Lozano, (915) 541-4515]

**16. PURCHASING – BID:**

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Bid No.: 2005-132  
Contractor:

Northeast Regional Park Phase I Improvements  
Blair Hall Co., Inc.  
El Paso, Texas

Department:	Parks Department
Funds Available:	31130550/PPW0046004/PW0046041/60016/508027
Funding Source:	2000 Quality of Life Bond Election
Items:	Base Bid I \$2,650,000.00
	Base Bid IA \$ 2,120.00
	Alternate 1 \$ 133,000.00
	Alternate 2 \$ 193,000.00
	Alternate 3 \$ 60,000.00
Total Award:	\$3,038,120.00
<b>District (s):</b>	<b>4</b>

The Departments of Parks and Recreation and the Project Manager, Perspectiva 3D/I, recommend the award of this contract to Blair Hall Co., Inc. the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council. [Purchasing Department, Byron Johnson, (915) 541-4308]

#### **17. PUBLIC HEARING – PARKS & RECREATION:**

An Ordinance to amend Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication), Section 19.12.050 (Standards for Deeded Parkland), Subsection 19.12.050.A.1 (General Characteristics) of the El Paso Municipal Code to increase the size of parkland sites that require an affirmative recommendation by Director of Parks and Recreation before approval of such by the City Plan Commission.

[Parks & Recreation, Norman Merrifield, (915) 541-4331]

#### **18. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:**

**18A.** An ordinance incorporating the El Paso Water Utilities Public Service Board Westside Master Plan as a specific study area plan into the city's comprehensive plan, *The Plan for El Paso*, and which plan shall amend the *Plan For El Paso* and the Year 2025 General Land Use Map incorporated therein. **(District 1)**

[Planning Research and Development, Frank Delgado, (915) 541-4730]

**18B.** An ordinance amending the 2025 Proposed Thoroughfare System as detailed in the map atlas of *The Plan for El Paso* and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended.

**(District 1)** [Planning Research and Development, Chuck Kooshian, (915) 541-4632]

**19. CITY MANAGER:**

City Manager's report of current events and issues:

- 19A.** Report and Status of Public Art Master Plan:  
Presentation by Betty Jaraba, Interim Director, Arts and Culture Department.
- 19B.** Summary of outcome of bond refinancing.

**20.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY  
Section 551.072 DELIBERATION REGARDING REAL PROPERTY  
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS  
Section 551.074 PERSONNEL MATTERS  
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES  
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY  
AT THE ADDRESS BELOW:**

**<http://www.elpasotexas.gov>**